

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|----------------------------|---|-----------------------|
| GRAMERCY ADVISORS, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | Case No. 07-CV-2809 |
| CARLETON A. JONES, III and |) | |
| JOHN A. JONES, |) | Judge McKenna |
| |) | Magistrate Judge Peck |
| Defendants, |) | |
| |) | |

DECLARATION OF WINSTON S. EVANS

I, Winston S. Evans, hereby affirm under penalty of perjury that the following statements are true and correct.

1. Attached as **Exhibit 1** is a true and correct copy of the Docket Sheet from *Jones v. BDO Seidman, LLP and Gramercy Advisors, LLC* which was is pending in the United States District Court for the Middle District of Tennessee (Docket #3:06-CV-1115) ["the Tennessee Case"].

2. I am counsel for Carleton A. Jones and John A. Jones [collectively "Messrs. Jones"] in both the Tennessee Case and in this case.

3. Attached as **Exhibit 2** is a true and correct copy of the Amended Complaint which has been filed in the Tennessee Case.

4. Attached as **Exhibit 3** is the executed return of summons for Gramercy.

5. In addition to the matters noted on the Docket Sheet, the following events have taken place in the Tennessee Case:

| Date | Event |
|------------------------|--|
| 4/19/07 and 4/20/07 | Messrs. Jones propounded interrogatories and document requests to BDO Seidman, LLP ["BDO"] and Gramercy Advisors, LLC ["Gramercy"] |
| 5/11/07 | Messrs. Jones propounded additional interrogatory to Gramercy |
| 5/17/07 | BDO served Rule 26(a)(1) Disclosures |
| 5/21/07 | BDO served responses and objections to interrogatories and document requests |

6. Attached as **Exhibit 4**, is a true and correct copy of the initial disclosures by BDO in the Tennessee Case. In those initial disclosures, BDO has identified potential witnesses. With the exception of ¶9, BDO has given the address of the witnesses. With regard to the witnesses listed at ¶9, it is my understanding that all of those witnesses live in Tennessee except Sara Wibel and Jed Wibel. It is my understanding that they reside in northern Georgia.

7. Attached as Collective **Exhibit 5** are true and correct copies of pages obtained from the website of the Plaintiff, Gramercy.

8. Attached as **Exhibits 6 and 7** are true and correct copies of data found in *Statistical Tables for the Federal Judiciary*, December 31, 2006. These were sent to my office by e-mail from Gwendolyn Coleman at the Administrative Office of the U.S. Courts.

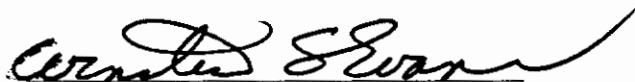
9. Attached as **Exhibits 8 and 9** are true and correct copies of the Second Supplemental Declaration and Fifth Supplemental Declaration of Internal Revenue Agent Sandra Alvelo, filed in *United States of America v. BDO Seidman, LLP* (United States District Court for the Northern District of Illinois, Eastern Division) [Civil Action No. 02-4822].

10. Attached as **Exhibit 10** is a true and correct copy of the complaint filed in *Ronen Olshansky v. Gramercy Advisors, LLC* [Docket No. 03-CV-9943, Southern District of New York].

11. Attached as **Exhibit 11** is a true and correct copy of page 24 from the Government's Memorandum of Law in Support of its Motion Seeking the Admission of Certain "Other Crimes" Evidence, filed in *U.S. v. Stein* (S.D.N.Y. Docket #05CR-888).

12. Attached as **Exhibit 12** is a true and correct copy of the form ADV of Gramercy from April, 2003.

Dated: June 19, 2007.


Winston S. Evans

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **DECLARATION OF WINSTON S. EVANS IN SUPPORT OF MOTION TO DISMISS, STAY OR TRANSFER** has been served via **Electronic Transmission** upon:

Michael Edward Petrella, Esq.
O'Shea Partners, LLP
90 Park Avenue, 20th Floor
New York, NY 10016

Richard D. Meadow, Esq.
The Lanier Law Firm, PLLC
126 East 56th Street, 6th Floor
New York, NY 10022

via **Electronic Transmission and Federal Express** upon:

Hon. Lawrence M. McKenna, District Judge
United States Courthouse
500 Pearl St., Room 1640
New York, NY 10007

this 19th day of June, 2007.

s/ Winston S. Evans